

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for the

Recology Hay Road

SWIS No. 48-AA-0002

July 1, 2013

Background Information, Analysis, and Findings:

This report was developed in response to the Solano County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Recology Hay Road Landfill, SWIS No. 48-AA-0002, located in Solano County and is owned and operated by the Recology Hay Road. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on May 14, 2013. New proposed permits were received on June 4, 2013 and June 25, 2013. Action must be taken on this permit no later than August 24, 2013. If no action is taken by August 24, 2013, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2008)	Proposed Permit
Permitted Maximum Tonnage	1,200 tons per day averaged over 7 days for disposal with a daily peak of 2,400 tons for disposal. 2,500 tons per month of friable asbestos	2,400 tons per day peak for disposal and 2,500 tons of asbestos per month
Permitted Traffic	500 vehicles per day (VPD) averaged over 7 days with a 650 VPD peak combined with Jepson Prairies Organics Composting Facility (JPO)	620 VPD Averaged over 7 days including Jepson Prairie Organics Composting Facility
Estimated Closure Date	2077	2050

Other Changes include:

1. Removal of conditions, which overlap other agencies,
2. Reference updated documents that authorize landfill activities,
3. Update SWFP conditions to reflect proposed changes; and
4. The submittal of a revised Joint Technical Document including revisions to the Preliminary Closure Post Closure Maintenance Plans and inclusion of the required Non Water Corrective Action Plan.

Key Issues

The proposed permit will allow for the following:

1. Increase the permitted tonnage,
2. Increase the permitted traffic volume; and
3. Reduction in the closure date.

Background:

Recology Hay Road Landfill is a solid waste landfill located on 640 acres owned and operated by Recology Hay Road Inc. at 6420 Hay Road, Vacaville. The landfill has been operating since 1964 serving incorporated and unincorporated areas of Solano County. Activities at the landfill include municipal solid waste disposal, friable asbestos disposal in a discrete unit, a non-hazardous petroleum-contaminated soil storage unit, a sludge/septage waste storage unit, and a sludge spreading and drying area. The property surrounding the landfill is zoned as a resource conservation area. There is a separately permitted compost facility, Jepson Prairie Compost Facility, within the permitted boundary of the landfill.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated May 13, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on March 18, 2013. The LEA provided a copy to the Department on May 14, 2013. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on June 4, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on May, 14, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element of the Countywide Integrated Waste Management Plan, as described in the memorandum dated May 21, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated June 17, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	The Engineering Support Branch staff in the Closure and Facility Engineering Unit found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities is approved as described in their memorandum dated May 23, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated June 13, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated June 13, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 3, 2013. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on May 14, 2013, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on April 9, 2013. No written comments were received by LEA or Department staff. Oral comments were addressed by LEA staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on June 3, 2013, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2013 – January - March – No violations noted.
- 2012 – No violations were noted.
- 2011 – Four violations of Title 27 CCR, two for section 20912 (Gas Monitoring and Control), one for section 20760 (Nuisance Control), one for section 21600 (RDSI).
- 2010 – Five violations of Title 27 CCR, Section 20921 – Gas Monitoring and Control
- 2009 – Three violations of PRC, section 44014(b) Operator Compliance with the Terms and Conditions of the SWFP. For the ACW unit - Three violations of Title 14, section 17897.19 (c) (2) personnel training and three violations of PRC 44014 (b) Operator Compliance with the Terms and Conditions of the SWFP.
- 2008 – Two violations of 27 CCR, Section 20921 – Gas Monitoring and Control.

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Solano County Department of Resource Management, Planning Division, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

- Increase permitted tonnage from 1,200 tons per day averaged over 7 days for disposal with a daily peak of 2,400 tons for disposal to 2,400 tons per day peak for disposal,
- Increase the traffic volume from 500 vehicles per day (VPD) averaged over 7 days with a 650 VPD peak combined with Jepson Prairies Organics Composting Facility (JPO) to 620 VPD averaged over 7 days including JPO with no peak limit, and
- Reduce the closure year from 2077 to 2050.

These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2004032138, was circulated for a 30 day comment period from August 1, 2013 to August 30, 2013. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was approved by the Lead Agency on October 18, 2012.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the

Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, and the Lead Agency's response to comments dated October 18, 2012, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on April 9, 2013, at Elmira Fire Station, 60 A Street, in the City of Elmira. Thirteen members of the public were in attendance. Below is the summary of the verbal public comments received at the informational meeting and steps taken by the LEA.

Attendees had questions on the number and type of vehicles and their impacts to the environment, county roads and public safety and impacts to garbage rates.

The LEA explained the increase in vehicles to 620 vehicles per day is supported by evaluation and mitigations contained within the Mitigated Negative Declaration (SCH # 20040132138) adopted by the Solano County Planning Commission on October 18, 2012. To ensure that vehicle counts remain within the 620 vehicle per day limit, the LEA revised condition 16(f) to require Recology Hay Road to report vehicle counts on a monthly basis, instead of quarterly as listed in the current permit. This will allow the LEA to take more timely action if the vehicle limits are exceeded.

Issues regarding damage to county roads and safety concerns regarding driving speeds and garbage rates are outside the regulatory purview of the LEA.

Additional questions included litter impacts, Measure E (restrictions on out of county waste), and the life of landfill associated with the increase of solid waste.

The LEA is requiring Recology Hay Road to enhance its litter control program within the JTD to address the potential for windblown litter resulting; from the increase in tonnages. Recology will hire more employees to pick-up litter and clean-up litter along Hay Road and State Highway 113. Portable Litter control fences are to be set up adjacent to the active face.

The Solano County Integrated Waste Management Plan must demonstrate that the county meets or exceeds the state required 15 years minimum landfill capacity. Recology Hay Road estimates the life of the landfill to be 2050.

Measure E is outside the regulatory authority of the LEA.

No written comments were received by the LEA or Department staff.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on June 18, 2013.